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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/763,827
Filing Date	April 23, 2001
First Named Inventor	Garman MAR 04 2003
Group Art Unit	1641 TECH CENTER 1600/2000
Examiner Name	Gary W. Counts
Attorney Docket Number	3764-78

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

a.  Previously submitted

i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on January 27, 2003  
(Any unentered amendment(s) referred to above will be entered)

ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii.  Other \_\_\_\_\_

b.  Enclosed

i.  Amendment/Reply

ii.  Affidavit(s)/Declaration(s)

iii.  Information Disclosure Statement (IDS)

iv.  Other \_\_\_\_\_

02/28/2003 SSITHIB1 00000041 141140 09763827  
01 FC:1801 750.00 DP  
02 FC:1253 10.00 CH 520.00 DP

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge any deficiency in the fees submitted, or credit any overpayments, to  
Deposit Account No. 14-1140

i.  RCE fee required under 37 C.F.R. § 1.17(e)

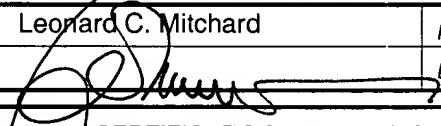
ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii.  Other \_\_\_\_\_

b.  Check in the amount of \$750.00 enclosed

c.  Payment by credit card (For PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print Type)	Leonard C. Mitchard		Registration No. (Attorney/Agent)	29,009
Signature			Date	February 27, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)			
Signature		Date	

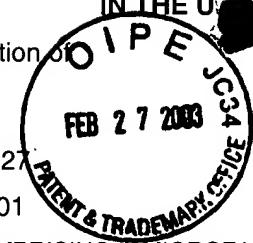
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GARMAN

Serial No. 09/763,821



Filed: April 23, 2001

Title: DEVICE COMPRISING A MICROFABRICATED DIFFUSION CHAMBER

Atty Dkt. 3764-78

C# M#

Group Art Unit: 1641

Examiner: Gary W. Counts

Date: February 27, 2003

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment	<b>0</b>	minus highest number			
previously paid for	<b>20</b>	(at least 20) =	0	x	\$ 18.00

Independent claims after amendment	<b>0</b>	minus highest number			
previously paid for	<b>3</b>	(at least 3) =	0	x	\$ 84.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)		\$	0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)		\$	930.00
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Terminal disclaimer enclosed, add \$ 110.00		\$	0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)		\$	0.00
<input type="checkbox"/> Please enter the previously unentered , filed			
<input type="checkbox"/> Submission attached			

<b>Subtotal</b>	\$	<b>930.00</b>
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Less extension of \$410.00 paid on January 27, 2003	-\$	410.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith		

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)		\$	0.00
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Assignment Recording Fee (\$40.00)		\$	0.00
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Other: RCE			<b>750.00</b>
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<b>TOTAL FEE ENCLOSED</b>	\$	<b>1270.00</b>
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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
 By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: 